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Separate paging is given to this Part in order that it may be filed as a separate compilation

MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS

(Legislative Department)

New Delhi, the 13th July, 1984/Asadha 22, 1906 (Saka)

THE CONSERVATION OF FOREIGN EXCHANGE AND PREVENTION OF SMUGGLING ACTIVITIES (AMENDMENT) ORDINANCE, 1984

No. 8 OF 1984

Promulgated by the President in the Thirty-fifth Year of the Republic of India.

An Ordinance further to amend the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974.

WHEREAS Parliament is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance:—

Short title and commencement.

1. (*1*) This Ordinance may be called the Conservation of Foreign Exchange and Prevention of Smuggling Activities (Amendment) Ordinance, 1984.

(*2*) It shall come into force at once.

Substitution of new section for section 9.

2. In the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974, for section 9, the following section shall be substituted, namely:— 52 of 1974

Cases in which and circumstances under which persons may be detained for longer than three months without obtaining opinion of Advisory Board

'9. (*1*) Notwithstanding anything contained in this Act, any person (including a foreigner) in respect of whom an order of detention is made under this Act may be detained without obtaining, in accordance with the provisions of sub-clause (*a*) of clause (4) of article 22 of the Constitution, the opinion of an Advisory Board for a period longer than three months but not exceeding six months from the date of his detention, where the order of detention has been made against such person with a view to preventing him from smuggling goods or abetting the smuggling of goods or engaging in transporting or concealing or keeping smuggled goods and the Central Government or any officer of the Central Government, not below the rank of an Additional Secretary to that Government, specially empowered for the purposes of this section by that Government, is satisfied that such person—

(*a*) smuggles or is likely to smuggle goods into, out of or through any area highly vulnerable to smuggling; or

(*b*) abets or is likely to abet the smuggling of goods into, out of or through any area highly vulnerable to smuggling; or

(*c*) engages or is likely to engage in transporting or concealing or keeping smuggled goods in any area highly vulnerable to smuggling,

and makes a declaration to that effect within five weeks of the detention of such person.

Explanation 1.—In this sub-section, "area highly vulnerable to smuggling" means—

(*i*) the Indian customs waters contiguous to the States of Gujarat, Karnataka, Kerala, Maharashtra and Tamil Nadu and the Union territories of Goa, Daman and Diu and Pondicherry;

(*ii*) the inland area fifty kilometres in width from the coast of India falling within the territories of the States of Gujarat, Karnataka, Kerala, Maharashtra and Tamil Nadu and the Union territories of Goa, Daman and Diu and Pondicherry;

(*iii*) the inland area fifty kilometres in width from the India-Pakistan border in the States of Gujarat, Jammu and Kashmir, Punjab and Rajasthan;

(*iv*) the customs airport of Delhi; and

(*v*) such further or other Indian customs waters, or inland area not exceeding one hundred kilometres in width from any other coast or border of India, or such other customs station, as the Central Government may, having regard to the vulnerability of such waters, area or customs station, as the case may be, to smuggling, by notification in the Official Gazette, specify in this behalf.

Explanation 2.—For the purposes of *Explanation* 1, "customs airport" and "customs station" shall have the same meaning as in clauses (*10*) and (*13*) of section 2 of the Customs Act, 1962, respectively. 52 of 1962

(2) In the case of any person detained under a detention order to which the provisions of sub-section (*1*) apply, section 8 shall have effect subject to the following modifications, namely:—

(*i*) in clause (*b*), for the words "shall, within five weeks", the words "shall, within four months and two weeks" shall be substituted;

(*ii*) in clause (*c*),—

(*1*) for the words "the detention of the person concerned", the words "the continued detention of the person concerned" shall be substituted;

(*2*) for the words "eleven weeks", the words "five months and three weeks" shall be substituted;

(*iii*) in clause (*f*), for the words "for the detention", at both the places where they occur, the words "for the continued detention" shall be substituted.'.

ZAIL SINGH,
President.

R. V. S. PERI SASTRI,
Secy. to the Govt. of India.

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